

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001 03-md-1570 (GBD)(SN)

This document relates to:

Estate of John P. O'Neill, Sr., et al. v. Republic of the Sudan, et al., 1:18-cv-12114 (GBD)(SN)
Estate of John Patrick O'Neill, Sr., et al. v. The Republic of Iraq, et al., No. 1:04-cv-01076
(GBD)(SN)

Jessica DeRubbio, et al. v. Islamic Republic of Iran, No. 1:18-cv-05306 (GBD)(SN)

Roberta Agyeman, et al. v. Islamic Republic of Iran, No. 1:18-cv-05320 (GBD)(SN)

Horace Morris, et al. v. Islamic Republic of Iran, No. 1:18-cv-05321 (GBD)(SN)

Alexander Jimenez, et al. v. Islamic Republic of Iran, No. 1:18-cv-11875 (GBD) (SN)

Gordon Aamoth, Sr., et al. v. Islamic Republic of Iran, No. 1:18-cv-12276 (GBD)(SN)

Anaya, et al. v. Islamic Republic of Iran, 1:18-cv- 12341 (GBD)(SN)

August Bernaerts, et al. v. Islamic Republic of Iran, No. 1:19-cv-11865 (GBD)(SN)

Susan M. King, et al. v. Islamic Republic of Iran, 1:22-cv-05193 (GBD)(SN)

Justin Strauss, et al. v. Islamic Republic of Iran, 1:22-cv-10823 (GBD)(SN)

Celestine Kone, et al. v. Islamic Republic of Iran, 1:23-cv-05790 (GBD)(SN)

Danielle Kelly, et al. v. Islamic Republic of Iran, et al., No. 1:23-cv-07283 (GBD)(SN)

Gladys Lopez, et al. v. Islamic Republic of Iran, et al., No. 1:23-cv-08305 (GBD)(SN)

Patricia Fennelly, et al. v. Islamic Republic of Iran, No. 1:23-cv-10824 (GBD)(SN)

Mary Jelnek, et al. v. Islamic Republic of Iran, 1:24-cv-05520 (GBD)(SN)
Kirtland, L., et al. v. Islamic Republic of Iran, 1:24-cv-07824 (GBD)(SN)

Kenneth Lum, et al. v. Islamic Republic of Iran, 1:24-cv-07824 (GBD)(SN)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK :

: SS.

COUNTY OF NEW YORK :

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

Jerry S. Goldman, Esq., an attorney at law duly admitted before the Courts of the State of New York, being duly sworn, hereby deposes and says that:

1. Plaintiffs' Summons, Complaint, and Notice of Suit, and translations of each, filed

in *Estate of John P. O'Neill, Sr., et al. v. Republic of the Sudan, et al.*, 1:18-cv-12114

(GBD)(SN) were served upon defendant Republic of the Sudan (“Sudan”).

2. Service in Estate of John P. O'Neill, Sr., *et al.* v. Republic of the Sudan, *et al.*, 1:18-cv-12114 (GBD)(SN) was effectuated upon the Sudan Ministry of Foreign Affairs on December 8, 2019, in accordance with the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608, *et seq.* A true and correct copy of the U.S. Department of State's letter to the Clerk of the Court, dated December 19, 2019, is attached hereto as Exhibit A.

3. A copy of the Clerk of the Court's transmittal to the State Department, pursuant to Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(3), made at my request and after payment of the requisite fees as set forth in the Clerk's Certificate of Mailing, ECF No. 32 (individual case docket), dated June 26, 2019, is attached hereto as Exhibit B.

4. A copy of the Clerk of the Court's transmittal to the State Department, pursuant to Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(4), made at my request and after payment of the requisite fees as set forth in the Clerk's Certificate of Mailing, ECF No. 33 (individual case docket), dated June 26, 2019, is attached hereto as Exhibit C.

5. Receipt of transmittal by the State Department was acknowledged by the Clerk of the Court on the docket on December 23, 2019. See attached Exhibit D.

6. On November 20, 2020, undersigned counsel filed the Consolidated Amended Complaint as to the Republic of the Sudan ("SCAC"). ECF No. 6539. The pleadings in both *Estate of John Patrick O'Neill, Sr., et al. v. Kingdom of Saudi Arabia, et al.*, No. 1:04-cv-01922 (GBD)(SN) and *Estate of John P. O'Neill, Sr., et al. v. Republic of the Sudan, et al.*, 1:18-cv-12114 (GBD)(SN) were incorporated into the SCAC by reference, which then became the operative pleading in both cases. *See* ECF No. 6539, n.1. The filing of this amended complaint was authorized by this Court's November 4, 2020 Order. ECF No. 6521. Sudan agreed to accept service through ECF of the SCAC. *See* Transcript of August 5, 2020 Conference, ECF No. 6393

at pp. 33, 34, and 46, attached hereto as Exhibit E. Thus, the SCAC was duly served as a result of the ECF filing.

7. On December 1, 2020, without objection from Sudan, the Court authorized a procedure whereby “[a]ny plaintiff who has a claim pending in this MDL [03-MDL-1570] may adopt the [SCAC]” (hereinafter “Notice to Conform”). ECF No. 6547.

8. “Upon filing a Notice to Conform, the plaintiff’s underlying complaint shall be deemed to include the factual allegations, jurisdictional allegations, and jury trial demand of the SCAC . . . as well as all causes of action specified in the Notice to Conform.” *Id.*

9. “If the underlying complaint of a plaintiff who files a Notice to Conform does not name Sudan as a defendant, the plaintiff shall be deemed to have added Sudan to his or her constituent case through the filing of the Notice to Conform.” *Id.*

10. “Upon service of the Notice to Conform upon the defendant via ECF, the plaintiff’s underlying case to conform to the SCAC . . . shall be deemed to have been served.” *Id.*

11. On April 19, 2023, undersigned counsel filed a Notice to Conform for all Plaintiffs in the Complaints at ECF No. 8702 (*Estate of John P. O’Neill, Sr., et al. v. The Republic of Iraq et al.*, 1:04-cv-1076 (GBD)(SN)) and ECF No. 1 (individual docket number in *Justin Strauss, et al. v. Islamic Republic of Iran*, 1:22-cv- 10823 (GBD)(SN)). See ECF No. 9029.

12. On July 11, 2023, undersigned counsel filed a Notice to Conform for all Plaintiffs in the Complaint at ECF No. 1 (individual docket number in *Celestine Kone, et al. v. Islamic Republic of Iran*, 1:23-cv-05790 (GBD)(SN)). See ECF No. 9203.

13. On August 7, 2023, undersigned counsel filed a Notice to Conform for all Plaintiffs in the following pleadings: Amended Complaint in *Celestine Kone, et al. v. Islamic Republic of Iran*, 1:23-cv-05790 (GBD)(SN), ECF No. 10 (individual docket number), the Notice of

Amendment related to *Jessica DeRubbio, et al. v. Islamic Republic of Iran*, No. 1:18-cv-05306 (GBD)(SN) at ECF No. 9032, the Notice of Amendment related to *Horace Morris, et al. v. Islamic Republic of Iran*, No. 1:18-cv- 05321 (GBD)(SN) at ECF No. 9074, and the Notice of Amendment related to *August Bernaerts, et al. v. Islamic Republic of Iran*, No. 1:19-cv-11865 (GBD)(SN) at ECF No. 9260. *See* ECF No. 9271.

14. On August 31, 2023, undersigned counsel filed a Notice to Conform for all Plaintiffs in the Amended Complaint in *Danielle Kelly, et al. v. Islamic Republic of Iran, et al.*, No. 1:23-cv-07283 (GBD)(SN) at ECF No. 19 (individual docket number). *See* ECF No. 9315.

15. On November 3, 2023, undersigned counsel filed a Notice to Conform for all Plaintiffs in the Amended Complaint in *Gladys Lopez, et al. v. Islamic Republic of Iran, et al.*, No. 1:23-cv-08305 (GBD)(SN) at ECF No. 12 (individual docket number). *See* ECF No. 9411.

16. On December 4, 2023, undersigned counsel filed a Notice to Conform for all Plaintiffs in the Notice of Amendment in *Alexander Jimenez, et al. v. Islamic Republic of Iran*, No. 1:18-cv-11875 (GBD) (SN) at ECF No. 9450. *See* ECF No. 9453.

17. On December 18, 2023, undersigned counsel filed a Notice to Conform for all Plaintiffs in the Complaint in *Patricia Fennelly, et al. v. Islamic Republic of Iran*, No. 1:23-cv-10824 (GBD)(SN) at ECF No. 1 (individual case docket number). *See* ECF No. 9474.

18. On August 6, 2024, undersigned counsel filed a Notice to Conform for all Plaintiffs in the Complaint in *Mary Jelnek, et al. v. Islamic Republic of Iran*, 1:24-cv-05520 (GBD)(SN) at ECF No. 1 (individual case docket number). *See* ECF No. 10218.

19. On September 17, 2024, undersigned counsel filed a Notice to Conform for **only** Diverra Galvin (individually, and as the co-Personal Representative of the Estate of Thomas Galvin), John M. Galvin (individually, and as the co-Personal Representative of the Estate of

Thomas Galvin), Lynn Galvin, Kathy Callahan, and John M. Galvin Jr. in the First Amended Complaint in *Anaya, et al. v. Islamic Republic of Iran*, 1:18-cv- 12341 (GBD)(SN) at ECF No. 29 (individual case docket number). See ECF No. 10366.

20. On October 28, 2024, undersigned counsel filed a Notice to Conform for Plaintiffs in the Notices of Amendment in *Roberta Agyeman, et al. v. Islamic Republic of Iran*, No. 1:18-cv-05320 (GBD)(SN), *Gordon Aamoth, Sr., et al. v. Islamic Republic of Iran*, No. 1:18-cv-12276 (GBD)(SN), and *Susan M. King, et al. v. Islamic Republic of Iran*, 1:22-cv-05193 (GBD)(SN) at ECF Nos. 9722, 9761, and 10423, and in the Complaint in *Kenneth Lum, et al. v. Islamic Republic of Iran*, 1:24-cv-07824 (GBD)(SN) at ECF No. 1 (individual case number). See ECF No. 10467.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained herein is true and correct.

Dated: November 6, 2024



Jerry S. Goldman, Esq.

Sworn on before me this 6th day of November, 2024.



Albana Tarajini
Notary Public

Albana Tarajini
Notary Public, State of New York
No. 01TA6293394
Qualified in Kings County
Commission Expires on December 9, 2025